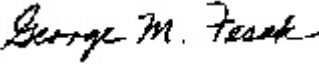


MEMORANDUM FOR KEVIN G. STRICKLIN
Administrator for Coal
Mine Safety and Health

FROM: GEORGE M. FESAK 
Chairman, MSHA Fatality Review Committee

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: C-2007-35

Date of accident: April 7, 2007

Date of death: April 7, 2007

Mine: Nelms-Mine-Cadiz Portal

Operating Co.: Hopedale Mining, L.L.C.

Decision: non-chargeable

In a unanimous decision the Fatality Review Committee has determined that the death of the decedent should be non-chargeable to the mining industry. The deceased, a 50 year old surface supplyman, was employed at the mine and was on duty at the time of his death. The committee members felt that the evidence collected by MSHA, the Harrison County Sheriff's Department and the Ohio Bureau of Criminal Identification and Investigation strongly suggested that the decedent's death was a suicide. The death certificate indicated that the decedent died from massive blood loss due to a self-inflicted laceration on the right groin area and concluded that the incident was a suicide. Financial and family problems were thought to be factors in the death. His clothes and extremities were intact indicating he had not been caught in equipment or machinery and the investigation found no evidence of a homicide.

cc: Richard E. Stickler
John Pallasch
Robert M. Friend